



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Bettinger Family Revocable Trust/Map 282, Lot 36

June 18, 2015

Applicant: **Bettinger Family Revocable Trust**
 C/o Donn Bettinger, Trustee
 PO Box 1398
 Center Harbor, NH 03226

Location: **22 Adams Shore Road, Moultonborough, NH (Tax Map 282, Lot 36)**

On June 17, 2015 the Moultonborough Zoning Board of Adjustment opened a public hearing on the application of the Bettinger Family Revocable Trust (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III, B (3) to allow for the removal of an existing detached garage and construction of a replacement garage located partially within the 20' sideline setback (n the same location) for the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 22 Adams Shore Road (Tax Map 282, Lot 36).
- 2) The applicant is the owner of record for the lot.
- 3) Donn Bettinger presented his application at the Public Hearing. Nicol Roseberry of Ames and Associates was present in the audience to answer any questions.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District.
- 5) The applicant is proposing the removal and reconstruction of a new 12' x 24' storage garage located partially within the 20' sideline setback in the same location as the demolished garage. The existing garage is to be removed.
- 6) The property is located on a narrow lot, with two large knolls, limiting the locations for possible septic system and construction of the dwelling unit.
- 7) The proposed garage is to be in the existing location 6.8-feet from the sideline.

- 8) Mrs. Roseberry stated for the record that she has submitted to NH DES an amendment to the approved Shoreland Impact Permit #2012-00027 for the proposed garage. Mrs. Roseberry stated for the record that the existing garage was taken into consideration for that permit.
- 9) No members of the public wished to speak on the application.
- 10) Granting the Variance will not be contrary to the public interest because the lot is remaining at status quo with regard to the setback intrusion and the area consists of small lots with larger waterfront homes closely located accessory structures on them.
- 11) Granting the Variance is consistent with the spirit of the Ordinance as the area consists of small lots with larger waterfront homes closely located accessory structures on them.
- 12) By granting the Variance, substantial justice is done because doing the proposal would cause less harm to the public, while not doing the proposal would cause more harm to the applicant.
- 13) Granting the Variance does not diminish the value of surrounding properties as the new construction would serve to increase property values in the neighborhood.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size, shape and location of other systems, such as the septic tanks and leach field, mature trees and constrained driveways unreasonably limit where a conforming garage could be located.
- 15) Granting of the variance is conditional upon the installation of a stone infiltration trench around the concrete foundation to intercept and infiltrate stormwater runoff.

On June 17, 2015, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter) and none (0) opposed to **GRANT** the request for a setback variance with condition (above) as requested and to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on July 15, 2015, approved this formal Notice of Decision language and authorized the Vice Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of five (5) in favor (Stephens, Nolin, Zewski, Bickford, St. Peter), none (0) opposed.

The decision made to Approve the variance on June 17, 2015, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 7-15-15